

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

MICHAEL ALLEN, et al.	)	
	)	
	)	
Plaintiffs,	)	
V.	)	Case No. 2:06-cv-879-WKW
	)	
UNITED STATES OF AMERICA	)	
	)	
Defendant.	)	

**DEFENDANT UNITED STATES' UNOPPOSED  
MOTION TO CONSOLIDATE RELATED CASES FOR TRIAL**

Defendant United States, pursuant to Rule 7 (b)(1) of the Federal Rules of Civil Procedure, moves to consolidate this case and *Wallace Montgomery, et al. v. United States*, 2:06-cv-880-WKW (M.D. Ala.), for trial. The United States relies upon the following grounds for this motion:

1. This case, *Michael Allen, et al. v. United States*, 2:06-cv-879-WKW, and *Wallace Montgomery, et al. v. United States*, 2:06-cv-880-WKW (M.D. Ala), both arise from the same automobile accident involving Plaintiffs and Ms. Bertha Moore that occurred on or about August 29, 2003, on Interstate 65 (I-65).

2. On September 28, 2006, the United States substituted itself for Bertha Moore as party defendant and removed both cases to this Court pursuant to the Westfall Act, 28 U.S.C. § 2679 (d)(2).

3. On November 9, 2006, the United States filed a motion to consolidate these cases. This Court, by order dated December 21, 2006, granted the United States' motion in part, and denied the motion in part, permitting the cases to be consolidated for discovery purposes only.

4. For purposes of judicial economy and the convenience of the parties and

witnesses, these closely-related Federal Tort Claims Act cases should proceed to trial, if necessary, on the same schedule and at the same time.

5. The United States has consulted with the Plaintiffs' attorneys in both cases, and they do not object to this motion.

WHEREFORE, Defendant United States moves to consolidate *Michael Allen, et al. v. United States*, 2:06-cv-879-WKW (M.D. Ala.) and *Wallace Montgomery, et al. v. United States*, 2:06-cv-880-WKW (M.D. Ala), for trial beginning February 25, 2008.

Respectfully submitted this 16th day of January, 2008.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing upon counsel for Plaintiffs by electronic filing, CM/ECF, and by mailing a copy of same, first-class, postage-prepaid, addressed:

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Dated this 16th day of January, 2008.

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